

**FROM PRESIDENTIALISM  
TO PARLIAMENTARISM:  
PARLIAMENTARIZATION OF  
GOVERNMENT SYSTEMS IN KYRGYZSTAN,  
GEORGIA AND ARMENIA**

Nikolay BORISOV

*Ph.D. (Political Science), Assistant Professor,  
Head of the Department of Theoretical and Applied Political Science,  
Faculty of History, Political Science, and Law,  
Russian State University for the Humanities  
(Moscow, Russian Federation)*

**ABSTRACT**

**T**he article deals with the transformation of government forms in the post-Soviet states (Kyrgyzstan, Armenia, Georgia) towards parliamentarization on the basis of neo-institutional and comparative methods. The reasons for this transformation and the degree of its influence on the political process are analyzed.

As a result of the changes, the presidents of Georgia, Armenia and Kyrgyzstan

lost the most important powers, retaining, however, the status of the head of state. The electoral system for parliamentary elections in all three states has been replaced by a fully proportional one. The author comes to the conclusion that the changes in government forms and the electoral system were initiated by the ruling elites and are aimed not so much at improving the efficiency of public administration, but at preserving

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the power. However, the parliamentarization of government systems in the three post-Soviet states had a “capsizing” effect on the ruling elite in two cases (Armenia and Georgia), and in another case (Kyrgyzstan) it could lead to the removal of the former incumbent from the channels of influence on

the incumbent President. In general, institutional reforms geared towards parliamentarization, combined with the transition to a proportional representation system, lead to the development of political competition and contribute to the institutionalization of party systems in the states considered.

**KEYWORDS:** *parliamentarism, government system, electoral system, Kyrgyzstan, Georgia, Armenia.*

## *Introduction*

In modern political science, there is a fairly stable and reasoned opinion that the institutional framework (primarily the constitutional formula, the type of electoral system and the legislation on political parties) has a significant impact on the political process. This becomes especially important in those states that have passed or are undergoing regime transformations, as they are characterized by frequent changes of political elites, instability of party systems and other institutional fluctuations.

Turning to the problems of the post-Soviet space, it can be noted that in the last two electoral cycles in a number of post-Soviet states processes of parliamentarization of government systems (forms) are in place. Previously, the main and, in fact, the only trend in the constitutional development of the post-Soviet states was presidentialization, there is currently a reverse trend. Constitutional amendments are being adopted, which significantly change constitutional balance of powers of the President, Parliament and government in favor of the last two. In some states, this has already led to a radical evolution of the government system from presidential to parliamentary. In particular, in Georgia, the government form index<sup>1</sup> decreased from +7 to -1, and then to -3, in Armenia—from 0 to -8, in Kyrgyzstan—from +4 to +1. Certain parliamentarization trends, which have not yet been practically implemented, can also be observed in Uzbekistan and Kazakhstan. In this regard, it is necessary to understand the reasons for such changes, the degree of their influence on the political process and the significance for both the ruling elite and the opposition, as well as to identify general and special characteristics. In this paper, we propose a review of these changes and their analysis on the basis of neo-institutional and comparative methods using the following criteria:

- basic processes that precede the constitutional amendments;
- the essence of constitutional changes (the status of the President, the main powers of the President, the government and Parliament and their relationship, presidential elections, the electoral system);
- practices of power transfer after the adoption of new government forms;
- probabilistic forecast regarding the impact of constitutional changes on the political process in the next election cycle.

<sup>1</sup> See: On methods of measuring government forms, see: O.I. Zaznaev, *Poluprezidentskaia sistema: teoreticheskie i prikladnye aspekty*, Kazan, 2006.

The paper considers the cases of Kyrgyzstan, Armenia and Georgia during the last two electoral cycles.

## Kyrgyzstan: Parliamentarization after the Coup

After the March coup of 2010 and the resignation of the second President Kurmanbek Bakiev, a constitutional reform was carried out in Kyrgyzstan. In June 2010, a new Constitution was adopted by referendum, which came into force in 2011. It consolidated the model of an almost completely balanced semi-presidential republic (government form index +1).<sup>2</sup>

The President of Kyrgyzstan under the new Constitution is the head of state and is elected for 6 years by direct elections. With regard to the formation of the government, he received the right to appoint only two Ministers (defense and security, the rest are appointed by the Parliament), is deprived of the right to appoint judges of the Constitutional and Supreme courts, the right of legislative initiative. In addition, it is established that the same person does not have the right to be elected President twice (Art 61)—an unprecedented clause at the time for the post-Soviet space constitutional norm. The Parliament (Jogorku Kenesh) received the right to approve the program of the government, to determine the structure and composition of the government and the right to express distrust to the government. A no-confidence vote, twice expressed by Parliament to the government within three months leads to the unconditional resignation of the government (Art 85).

A significant achievement in the institutional design after the 2010 coup that should be recognized is the establishment of the post of Interim President of the Republic (it was occupied by Rosa Otunbayeva), which was preserved for two years. During this period, the required legislative framework was established, parliamentary elections were held, and the election of a new President was prepared. The Interim President was prohibited by law to take part in them. This deprived the incumbent of the incentives to expand his/her authority, extend or monopolize his/her power.

In 2016, the faction of the Social Democratic Party of Kyrgyzstan in the Parliament initiated a referendum on amending the Constitution.<sup>3</sup> On 11 December, 2016, a referendum was held, with 79.63% of citizens who took part in it approving the constitutional changes.<sup>4</sup> In accordance with the amendments,<sup>5</sup> the President gained the right to present to the Parliament the candidatures of judges not only for the Supreme Court, but for the Constitutional Chamber of the Supreme Court; to dismiss the Prosecutor General with the consent of at least half of the deputies of the Jogorku Kenesh (in the previous version it required the consent of not less than two-thirds of the deputies).

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<sup>2</sup> See: *Constitution of the Kyrgyz Republic: Adopted by Referendum (Nationwide Voting) on 27 June, 2010, Enacted by the Law of the Kyrgyz Republic of 27 June, 2010*, Kyrgyz Republic legal information centralized database, available in Kyrgyz and Russian at [<http://cbd.minjust.gov.kg/act/view/ru-ru/202913/10?cl=ru-ru>], 14 August, 2018.

<sup>3</sup> See: *Law of the Kyrgyz Republic on the Appointment of a Referendum (Nationwide Voting) on the Draft Law of the Kyrgyz Republic on Amendments to the Constitution of the Kyrgyz Republic of 3 November, 2016, No. 174*, Kyrgyz Republic legal information centralized database, available in Kyrgyz and Russian at [<http://cbd.minjust.gov.kg/act/view/ru-ru/111453>], 20 January, 2018.

<sup>4</sup> See: *The Results of the Referendum (Nationwide Voting) of the Kyrgyz Republic of 11 December, 2016*, The Central Commission for elections and referendums of the Kyrgyz Republic, available in Kyrgyz and Russian at [[https://shailoo.gov.kg/ru/ReferendumReferendum/rezultaty\\_referenduma\\_vsenarodnogo\\_golosovaniya\\_Kyrgyzskoy\\_Respubliki\\_ot\\_11\\_dekabrya\\_2016\\_goda](https://shailoo.gov.kg/ru/ReferendumReferendum/rezultaty_referenduma_vsenarodnogo_golosovaniya_Kyrgyzskoy_Respubliki_ot_11_dekabrya_2016_goda)], 20 January, 2018.

<sup>5</sup> See: *Law of the Kyrgyz Republic on Amendments to the Constitution of the Kyrgyz Republic of 28 December, 2016, No. 218*, Kyrgyz Republic legal information centralized database, available in Kyrgyz and Russian at [<http://cbd.minjust.gov.kg/act/view/ru-ru/111484>], 20 January, 2018.

The decision to withdraw from the coalition of factions has become more difficult: the decision to withdraw from the faction coalition of the parliamentary majority is made by the faction with not less than two-thirds of the faction deputies' total number, it is made by its resolution and signed by each member of the faction who voted to withdraw. Instead of 15 working days, 25 working days are allocated for the presentation of the new Prime Minister to the faction coalition.

The most significant group of amendments concerns the expansion of the Prime Minister's powers. It is permitted to combine the post of the Deputy of the Jogorku Kenesh and the Prime Minister or the First Vice Prime Minister with the preservation of the parliamentary mandate and the right to vote in the plenary sessions of the Jogorku Kenesh; the Prime Minister may raise the question of confidence in the government in the Jogorku Kenesh twice a year, not one, as before; if the President does not issue a decree of dismissal within five working days after receiving the request for the dismissal of a member of the government, the Prime Minister, after consultation with the leaders of the parliamentary majority factions, has the right to dismiss the member of the government from office by his decision. The same applies to appointment of government members: if the President does not issue a decree appointing the government member within three working days from the date of receipt of the Jogorku Kenesh decision to approve the candidacy of the Minister, he is considered to be appointed. The Prime Minister also received the right to appoint and dismiss heads of local state administrations without the participation of local councils. The amendments entered into force on 1 December, 2017, and on 24 November, 2017, the newly elected President Sooronbay Jeenbekov took office, replacing Almazbek Atambayev.

Although the amendments do not change the form of government in general, as a result the Prime Minister's independence in the formation of the government and the dismissal of its members is significantly increased, and the exit of the faction from the coalition factions becomes more complicated. According to Almazbek Atambayev, the amendments were aimed at the strengthening of parliamentarism, but, according to his opponents (including interim President in 2010-2012 Rosa Otunbayeva) they are aimed at expanding the powers of Almazbek Atambayev after leaving the post of President for the post of Prime Minister.<sup>6</sup> It is obvious that the outgoing President planned a scenario of a "soft" succession, in which he can either take the post of Prime Minister, or remain an influential de facto leader, determining the personnel and economic policy of the state.

In April 2018, Almazbek Atambayev headed the Social Democratic Party again and announced his "return to politics," and also accused President Sooronbay Jeenbekov of "authoritarian rule and a departure from democratic standards."<sup>7</sup> It turned out that the new President does not intend to keep the staff of the former government and the presidential apparatus and seeks to pursue an independent policy, so it is already obvious that the "soft succession" option has not been realized. In April 2018, after the government resignation, Muhammedkaly Abylgaziev, formerly head of the office of President Sooronbay Jeenbekov, became the new Prime Minister.

For the elections to the Jogorku Kenesh, the new Constitution established a proportional electoral system, with no more than 65 seats in Parliament (a total of 120 seats) to be given to one political party as a result of the elections. Two barriers were set for the parties: at least 7% of the votes of the voters who took part in the voting in the whole country or at least 0.7% of the votes of the voters who took part in the voting in each region, Bishkek and Osh cities.<sup>8</sup> Parties that overcome

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<sup>6</sup> See: "Referendum v Kirghizii: ukreplenie parlamentarizma ili uderzhanie vlasti," *RIA "Novosti"*, 25 November, 2016, available at [<https://ria.ru/world/20161125/1482138467.html>], 20 August, 2018.

<sup>7</sup> V. Panfilova, "Almazbek Atambayev vozvrashchaetsia v politiku: eks-prezident obvinil deistvuiushchego glavu Kirghizii v korruptsii i vozvrashchenii strany k avtoritarizmu," *Nezavisimaya gazeta*, 2 April, 2018, available at [[http://www.ng.ru/cis/2018-04-02/7\\_7202\\_kirgisia.html](http://www.ng.ru/cis/2018-04-02/7_7202_kirgisia.html)], 20 August, 2018.

<sup>8</sup> See: *The Constitutional Law of the Kyrgyz Republic on Elections of President of the Kyrgyz Republic and Deputies of Jogorku Kenesh of the Kyrgyz Republic of 2 July, 2011, No. 68*, Kyrgyz Republic legal information centralized database, available in Kyrgyz and Russian at [<http://cbd.minjust.gov.kg/act/view/ru-ru/203244/10?cl=ru-ru>], 31 August, 2018.

one of the barriers are allowed to receive seats in the Parliament. The introduction of regional barriers has become an additional obstacle to the monopolization of power by one or more parties representing only one part of the country. For the same purpose, the nationwide barrier was raised to 9% in 2017.<sup>9</sup>

## Georgia: Imposed Parliamentarization

In 2010, Georgia underwent a radical change of the form of government, resulting in the transition to a parliamentary-presidential republic.

Objectively, the opposition was interested in amendments to the Constitution that promote the parliamentarization of the form of government, as it traditionally criticized the President for maintaining broad powers and noted the constitutional and actual imbalance of the President and Parliament powers. This demand was also used by the ruling party headed by Mikheil Saakashvili, which sought to maintain its positions through amendments. Amendments to the Constitution were initiated by Mikheil Saakashvili himself in September 2008.<sup>10</sup> He justified the need for changes by the tasks of “modernization” and “democratization” of Georgia, saying: “We are moving to more complicated system, as the new system will be based on several power centers... Adoption of such a system right after the Rose Revolution would have amounted ‘to disaster’.”<sup>11</sup>

In the opinion of the Venice Commission “Democracy through Law,” the new draft of the Constitution laid out the risk of the emergence of a situation of the President’s conflict with other government branches. The likelihood of such a situation is also increased by the fact that the President will be a directly elected official, which increases his political weight.<sup>12</sup> There was indeed a contradiction: a President who is weak in terms of authority receives a mandate directly from the voters and is responsible to them, and the actual head of state—the Prime Minister—does not receive a direct mandate. The presence of a constitutional majority in the Parliament, consisting of deputies of the ruling United National Movement Party, made it possible to adopt the presidential version of amendments to the Constitution without major obstacles in October 2010.<sup>13</sup>

In accordance with the amendments adopted in 2010, the powers of the President were significantly weakened and the powers of the government and Parliament were strengthened. The President has ceased to be the head of the executive power branch, since when appointing the Prime Minister, he is obliged to take into account the party composition of the Parliament and propose a candidature only from the winning party or from the largest faction (Art 80); the Prime Minister receives powers to appoint ministers, including power ones (Art 79).

<sup>9</sup> See: *The Constitutional Law of the Kyrgyz Republic on Amendments to the Constitutional Law of the Kyrgyz Republic on Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic of 5 June, 2017, No. 96*, Kyrgyz Republic legal information centralized database, available in Kyrgyz and Russian at [<http://cbd.minjust.gov.kg/act/view/ru-ru/111583?cl=ru-ru>], 31 August, 2018.

<sup>10</sup> See: “Saakashvili reshil podelitsia polnomochiiami s parlamentom,” *Lenta.Ru*, 26 December, 2008, available at [<http://lenta.ru/news/2008/12/26/president/>], 20 August, 2018.

<sup>11</sup> “Saakashvili on New Constitution,” *Civil.ge: Daily News Online*, 30 September, 2010, available at [<http://old.civil.ge/eng/article.php?id=22713&search=>], 20 August, 2018.

<sup>12</sup> See: “Venice Commission on Georgia’s New Constitution,” *Civil.ge: Daily News Online*, 3 September, 2010, available at [<https://old.civil.ge/eng/article.php?id=22638&search=>], 20 August, 2018.

<sup>13</sup> See: *The Constitutional Law of Georgia on Amendments and Addenda to the Constitution of Georgia of 15 October, 2010, No. 3710-IIc*, Parliament of Georgia: Official website, available in Georgian at [<http://parliament.ge/ge/law/7437/19994>], 20 August, 2018.

The government became the body that implemented the country's domestic and foreign policy (Art 78). Parliament was vested with the exclusive right to form a government, a constructive vote of no confidence in the government was introduced. If the Parliament is unable to approve the government twice in a row, the President submits to the legislative body a candidacy of the Prime Minister, proposed by 2/5 of the deputies; the President dissolves the Parliament and calls extraordinary parliamentary elections only after the third attempt to express confidence in the government fails (Arts 81, 81<sup>1</sup>). The President's veto on a bill is overcome by half of the Parliament deputy votes (and not 3/5, as before) (Art 68). The President has lost the right to appoint governors; this right has been transferred to the government (Art 81<sup>3</sup>). Most of the acts of the President are subject to mandatory countersignature of the Prime Minister (Art 73<sup>1</sup>). The President is deprived of the right of legislative initiative (Art 67).

The President has retained the functions of the Supreme Commander-in-Chief (Art 69), Chairman of the National Security Council (Art 72), the right to appoint three members of the Constitutional court (Art 88), as well as the function of an arbitrator in appointing the Prime Minister (if the Parliament cannot determine the candidacy and no faction has submitted the candidacy of the Prime Minister for consideration, and if the Parliament does not express confidence in the composition of the government within the established time frame). The norm for direct presidential elections (Art 70) has also been preserved.

It is characteristic that the residence of the Parliament and the government was moved from Tbilisi to Kutaisi by a separate law,<sup>14</sup> which also symbolically reduces the dependence of the legislature on the President.

In general, the result of the constitutional reform meant the transition to a parliamentary-presidential form of government, in which the actual head of state is the Prime Minister. The government form index fell to -1, which means the transition to a parliamentary semi-presidential form of government.

In the transitional provisions of the law on amendments to the Constitution (Art 3) amendments to the Constitution were supposed to come in full effect on 1 December, 2013. Presidential elections were scheduled for October 2013, thus the amendments were applicable only to the next President. According to the Constitution, Mikheil Saakashvili had no right to be elected for a third term, therefore, transferring the constitutional powers to the Prime Minister, in case of victory in the parliamentary elections of his party, he was guaranteed to become Prime Minister and could actually remain the head of state. In this way Mikheil Saakashvili solved two tasks at once: to expand the powers of the future Prime Minister, who, as he expected, would represent his party, and to implement the demands of the opposition for the transition to a parliamentary system of government.

However, the parliamentary elections of 2012 brought victory to the opposition bloc Democratic Georgia—Georgian Dream headed by millionaire Bidzina Ivanishvili, who formed a new government. So, the original plan to maintain power was violated. In 2013, the candidate of Georgian Dream Party Giorgi Margvelashvili won the presidential election with the result of 62.12% in the first round, and the candidate from the United National Movement David Bakradze was defeated with the result of 21.72%, and the power in Georgia was finally replaced.<sup>15</sup>

<sup>14</sup> See: *The Constitutional Law of Georgia on Amendments to the Constitutional Law of Georgia on Addenda to the Constitution of Georgia of 1 July, 2011, No. 4985-vs*, Parliament of Georgia: Official website, available in Georgian at [<http://parliament.ge/ge/law/7281/13955>], 20 May, 2018.

<sup>15</sup> See: *Summary Protocol of the Results of Presidential Elections of 27 October, 2013 of Georgia*, Election Administration of Georgia: Official web-portal, available in Georgian at [<http://www.cesko.ge/uploads/other/26/26885.pdf>], 20 August, 2018.

Thus, the institutional reforms of 2010 had a “capsizing” effect for the Georgian ruling elite and worked in favor of the opposition. The institutional reforms initiated by Mikheil Saakashvili reduced the status and influence of the President to a minimum.

In the parliamentary elections of 2016, the Georgian Dream party significantly improved its presence in the Parliament, receiving 48.7% of votes and 44 seats in the proportional part and 71 in the majority part, while the opposition’s Unified National Movement received 27.1% and 27 seats in the proportional and no seats in the majority part of the electoral system.<sup>16</sup> Immediately after the parliamentary elections, the party announced the need to move to a parliamentary form of government, in connection with which the Parliament formed a constitutional commission. The President of Georgia Giorgi Margvelashvili refused to take part in its work.<sup>17</sup>

The aim of the new ruling party was to complete the transformation of Georgia into a parliamentary republic by changing the electoral system to fully proportional, delaying its introduction by one electoral cycle, and cancelling direct presidential elections. The six years should be used to institutionalize the party, so that it can increase its representation in the proportional system. After that, indirect presidential elections will make him dependent on the ruling party.

Representatives of the United National Movement and other opposition parties abandoned the constitutional commission formed on the basis of multi-party representation in 2017. The opposition party supported by President Giorgi Margvelashvili offered a coherent alternative project of amendments to the Constitution. The agreement between Giorgi Margvelashvili and the opposition stated: “The Constitution cannot become a document uniting citizens with different socio-political views if it has the support of only one political party.”<sup>18</sup> Among the main demands of the opposition was the immediate introduction of a proportional electoral system, the preservation of direct presidential elections and the reduction of the electoral barrier to 3%. The draft was rejected by the ruling party and the Constitution was adopted in its final version on 23 March, 2018. Thus, the new version of the Constitution was not a compromise of political forces, but a document imposed by the ruling Georgian Dream party on all other participants in the political process.

Under the new version of the Constitution,<sup>19</sup> the President of Georgia is endowed with the status of the head of state, guarantor of national independence and unity of the state, and retains the status of the Supreme Commander of the Armed Forces. At the same time, the President is completely deprived of the opportunity to participate in the formation of the government. In accordance with Art 36 of the new Constitution, the main directions of Georgia’s domestic and foreign policy are determined by the Parliament, not by the government.

The President is elected by an indirect election by an electoral college of 300 members, consisting of representatives of representative bodies of Abkhazia, Adjara and local self-government bodies, for five years. The same person cannot be President for more than two terms (Art 50). The President has no right to be a member of a political party (Art 51). In case of the President’s inability to perform his duties, his duties are performed by the Chairman of Parliament.

The President appoints and dismisses the Commander of the Defense Forces of Georgia on the recommendation of the government; appoints members of the Supreme Council of Justice; partici-

<sup>16</sup> See: *Summary Protocol of the Central Election Commission of Georgia on the Final Results of 8 October, 2016 Parliamentary Elections of Georgia*, 16 November, 2016, Election Administration of Georgia: Official web-portal, available in Georgian at [<http://cesko.ge/res/docs/shemajamebelieng.pdf>], 20 August, 2018.

<sup>17</sup> See: “Prezident Gruzii otkazalsia uchastvovat v konstitutsionnoi komissii,” *Kavkazskii uzel*, 14 December, 2016, available at [<http://www.kavkaz-uzel.eu/articles/294254>], 20 August, 2018.

<sup>18</sup> “Oppozitsiia i prezident Gruzii soglasovali proekt popravok v Konstitutsiiu,” *Kavkazskii uzel*, 20 September, 2017, available at [<http://www.kavkaz-uzel.eu/articles/309839>], 20 August, 2018.

<sup>19</sup> See: *Constitution of Georgia* (Constitutional Law of Georgia № 1324 of 13 October, 2017, Constitutional Law of Georgia № 2071 of 23 March, 2018), *Legislative Herald of Georgia*, available at [<https://matsne.gov.ge/en/document/view/30346>], 20 August, 2018.

pates in the appointment of the Chairman and members of the Central Election Commission; nominates candidates for members of national regulatory bodies on the recommendation of the government. The acts of the President shall require the countersignature of the Prime Minister, while the political responsibility for such acts rests with the government (Art 53). The President retained the right of veto, which can be overcome by a simple majority of the total number of Parliament members (Art 46).

The candidacy of the Prime Minister is proposed by the party that won the parliamentary elections, and the new government should receive the Parliament's vote of confidence (Art 56). In case of a vote of confidence, the President must appoint the Prime Minister nominated by the winning party. If the President does not do so, the Prime Minister is considered to be appointed. If the government does not receive a vote of confidence, the President dissolves the Parliament, except in a situation where, within a week after the no-confidence vote, the Parliament nominates a new Prime Minister and votes for the proposed composition of the government (this procedure is close to a "constructive vote of no confidence" in the Basic Law of Germany).

Thus, the President in the new version of the Constitution retains only symbolic and ceremonial powers and is deprived of political responsibility for his acts. The only significant power of the President that was preserved is the right to dissolve the Parliament, but it is also subject to a vote of no confidence in the government.

According to the wording of the Constitution, "after the full restoration of the jurisdiction of the Georgian state throughout the territory of Georgia," the Parliament of Georgia should become bicameral, consisting of the Senate and the Council of the Republic. The Council of the Republic should be elected under proportional representation, and representatives of Abkhazia, Adjara and other territorial units of Georgia are elected to the Senate, five representatives are appointed by the President.

Before the formation of a bicameral Parliament, a unicameral Parliament is retained, which consists of 150 deputies elected under proportional representation for four years (Art 37). A barrier of 5% is introduced for parties. These rules will apply starting with the parliamentary elections of 2024. Thereby, the ruling party has delayed the transition to the proportional system for one electoral cycle.

## **Armenia: Change of the Ruling Elite in Condition of Parliamentarization**

In September 2013, a large-scale constitutional reform began in Armenia. On the instructions of President Serzh Sargsyan, a Commission on Constitutional Reforms was formed. A preliminary version of the Constitutional reform concept was published in April 2014, and the full version of the draft of the new Constitution, submitted for public discussion, appeared only in July 2015.<sup>20</sup> The new version of the Constitution was adopted by referendum on 6 December, 2015 with the result of 66.2% of those who voted in favor.<sup>21</sup>

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<sup>20</sup> See: *The Draft Constitution of Armenia of 15 July, 2015*, Ministry of Justice of the Republic of Armenia: Official website, available in Armenian at [[http://moj.am/storage/uploads/nakhagits\\_3.doc](http://moj.am/storage/uploads/nakhagits_3.doc)], 20 July, 2015.

<sup>21</sup> See: *Referendum on Amendments to the Constitution of the Republic of Armenia*, The Central Electoral Commission of the Republic of Armenia: Official website, available in Armenian at [<http://res.elections.am/images/doc/06.12.15v.pdf>], 25 July, 2017.



According to the Constitution,<sup>22</sup> the President loses the basic political powers, which are transferred to the government and the Prime Minister. The President retains the status of the head of state. Direct elections of the President are cancelled: the President is elected by the National Assembly (Parliament) (in the draft the election of the President by the special Board consisting of deputies of National Assembly and the same number of deputies of local governments was established) (Art 125). Re-election of the same person as President is not allowed.

The main directions of domestic and foreign policy are developed and implemented by the government, not the President (Art 146), the Armed Forces are subordinate to the government (Art 155). The government is formed by the political party or bloc that wins the parliamentary elections, and the President must appoint a candidate for the post of Prime Minister, represented by the parliamentary majority (Art 149). If the Parliament refuses to approve the government's program or does not propose a Prime Minister, it is dissolved by law (Arts 149, 151), the President does not have the right to dissolve the Parliament. The President also lacks the right of veto and the right of legislative initiative. A rule on a constructive vote of no confidence in the government has been introduced (Art 115), wherein a vote of no confidence in the government always leads to its resignation (Art 158).

The electoral system in the parliamentary elections of Armenia becomes fully proportional, with the formation of national and territorial electoral lists of parties. The minimum (but not exact) number of deputies of the National Assembly (101 mandates) is established. The lists of parties that received at least 5% and the lists of party blocs that received at least 7% of the votes are allowed to receive mandates distribution. The concept of additional mandates aimed at limiting the monopoly of one party in Parliament is introduced: if one of the parties as a result received a majority of the total number of mandates, but less than 54%, this party receives such a minimum number of additional mandates that as a result the number of mandates of this party would not be less than 54%. If one of the parties has received more than 2/3 of the total number of mandates, the other parties receive such a minimum number of additional mandates that the total number of their mandates would be at least 1/3 of the total number of mandates.<sup>23</sup> At the same time, coalitions of factions can be created without quantitative restrictions.

After the implementation of these changes, Armenia became a typical parliamentary republic (government form index = -8), which in the presence of the dominant party (Republican Party of Armenia, RPA) should have led to the preservation of the power of the former ruling elite. As a result of such changes, the Republican party headed by Serzh Sargsyan was to form another government headed by the Prime Minister, who would become the de facto head of state, according to the ruling elite. At the parliamentary elections in April 2017, the RPA received 50 seats out of 105 and, together with the Dashnaktsutyun party faction, formed a ruling coalition of 57 deputies (slightly more than half of the Parliament). In April 2018, after the expiration of Serzh Sargsyan's presidential mandate, the ruling coalition nominated him as the Prime Minister of Armenia, and on 17 April, he was appointed Prime Minister. It would seem that the planned scenario to consolidate the power of the RPA as a result of the constitutional reform was fully implemented. However, after the election, the leader of the opposition party Elk Nikol Pashinyan organized mass protests in all cities of the republic against the preservation of Serzh Sargsyan in power, with the number of supporters increasing rapidly. Nikol Pashinyan put forward a demand for Serzh Sargsyan's resignation as a condition of starting negotiations with the authorities. On 23 April, Serzh Sargsyan announced his resignation

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<sup>22</sup> See: *Constitution of the Republic of Armenia as Amended: Adopted 6 December, 2015*, The National Assembly of the Republic of Armenia: Official website, available in Russian at [[http://www.parliament.am/law\\_docs/06122015.pdf](http://www.parliament.am/law_docs/06122015.pdf)], 20 August, 2018.

<sup>23</sup> See: *The Constitutional Law of the Republic of Armenia "Electoral Code of the Republic of Armenia" of 28 May, 2016, No. ZR-54*, The National Assembly of the Republic of Armenia: Official website, available in Russian at [<http://www.parliament.am/legislation.php?sel=show&ID=5479&lang=rus#17g>], 31 August, 2018.

from the post of Prime Minister, and on 8 May, after the second attempt to vote in Parliament, Nikol Pashinyan was appointed Prime Minister, and two deputies of the former ruling RPA faction voted for him. Since extraordinary parliamentary elections were not held, the party retains some influence as the largest party, and Serzh Sargsyan remains its Chairman as of now. The prospects of its activity as an active opposition party can also be assessed as doubtful.

Thus, the transition to a parliamentary form of government had a “capsizing” effect on the ruling party of Armenia and its leader. On the one hand, after the 2017 elections, the RPA received an unstable majority in the Parliament and could not control the legislative process and the executive power alone. On the other hand, the ruling elite underestimated the potential of mass mobilization of opposition supporters and their ability to unite. It should not be forgotten that about 40% of voters in the referendum opposed the adoption of a new version of the Constitution.

### *Conclusion*

In the case of post-Soviet states, a careful analysis of formal changes in the powers of the authorities is extremely important, because in practice, the weakening of the powers of the President is not always aimed at promoting competition. We can distinguish two sets of causes of parliamentarization in the states examined:

- (1) the need to preserve the power of the President after the expiration of the terms permitted by the Constitution or to ensure the transfer of power to the successor (Armenia in 2016-2017, Georgia in 2010);
- (2) the result of intra-elite competition and the way to institutionalize political conflicts (Kyrgyzstan in 2011, Georgia in 2016-2017).

As a result of the changes (see the comparative table), the presidents of Georgia, Armenia and Kyrgyzstan lost the most significant powers, although they retained the status of heads of states. The presidents lost the ability to influence the appointment of the Prime Minister and the government and lost the legislative initiative. In addition, the President must either withdraw from any political party or suspend his or her membership. The electoral system in parliamentary elections in all three states has been replaced by a fully proportional one, which is most effectively combined with the parliamentary form of government.

The procedure for electing a President varies: in Armenia the President is elected by the Parliament, in Georgia—by electoral college, in Kyrgyzstan—by direct elections. The powers of the President are limited to two terms (Georgia) or one term (Armenia, Kyrgyzstan). In Armenia, the President is deprived of the right of veto, in Georgia and Kyrgyzstan this right is reserved for him. The “weakest” President is in Armenia (government form index = -8), in Georgia he is stronger (-4) and the strongest is in Kyrgyzstan (+1). The role of former presidents also differs: in Kyrgyzstan Almazbek Atambayev is trying to maintain his influence on the political process and heads the country’s largest party, while former Georgian President Mikheil Saakashvili is out of the country, and Serzh Sargsyan’s political future is very uncertain.

Changes of the government form and electoral system were aimed not so much at improving the efficiency of public administration, but at preservation of power by the ruling elites; parliamentarization merely became a tool to achieve this goal. However, in two cases, it has already had a “capsizing” effect on the ruling party (in Georgia in 2012-2013 and in Armenia in 2018). Only in Kyrgyzstan did the Social Democratic Party retain its influence, although under the conditions of the coalition government and the conflict between President Sooronbay Jeenbekov and party chairman Almazbek Atambayev, a party system with a dominant party will not be able to form.

Table 1

Parliamentarization in Kyrgyzstan, Armenia and Georgia

Criterion / State	Kyrgyzstan	Georgia	Armenia
President status	Head of State	Head of State, guarantor of national independence and unity of the country	Head of State
The term of office, number of terms	6 years, 1 term	5 years, 2 terms	7 years, 1 term
The actor that determines the main directions of domestic and foreign policy of the state	No direct formulation	Parliament	Parliament
Commander-in-Chief of the Armed Forces	President	President	Prime Minister
The election of the President	Direct	Indirect (electoral college)	Indirect (Parliament)
The appointment of the Prime Minister	The President by decision of the Parliament	The President by decision of the Parliament	The President by decision of the Parliament
Appointment of the government members	The President by decision of the Parliament	Parliament	The President by decision of the Parliament
Legislative initiatives of the President	Absent	Absent	Absent
Overriding the President's veto	2/3 of the total number of deputies	By a simple majority of deputies' votes	Veto power is absent
The Institute of the countersignature of the President's acts	Absent	Present	Absent
Replacement of the President's post	Chairman of Parliament	Chairman of Parliament	Chairman of Parliament
The possibility of the President's membership in a political party	Suspends	Prohibited	Prohibited
The electoral system and the barrier	Proportional; 9% in the whole country <i>or</i> 0,7% in each region, cities of Bishkek and Osh	Proportional, 5%	Proportional, 5%
The practice of power transfer	Competitive elections	Competitive elections	Competitive elections / early resignation of the incumbent
Pre-reform / post-reform government form index	+4 / +1	+7 / -4	0 / -8

Thus, the parliamentary system of government in the three post-Soviet states, initiated by the ruling elite, in two cases had a “capsizing” effect on it, and in another case, the situation may result in the removal of the former incumbent from the channels of influence on the incumbent President. In general, institutional reforms in the direction of parliamentarization, combined with the transition to a proportional representation system, have led to the development of political competition and contribute to the institutionalization of party systems in the states considered. At the same time, it should be noted that in Georgia, and especially in Kyrgyzstan, the President remains an important actor in the political process even in the new conditions.

After the transition to parliamentary systems, despite a number of political crises, power in Georgia, Armenia and Kyrgyzstan was replaced on a competitive institutional basis through elections, rather than through a coup, and the losing side was ready to admit defeat and play by the rules. If it turns out possible to maintain political competition and provide an opportunity for opposition forces to legally participate in the political process in Kyrgyzstan after the presidential and in Armenia after the early parliamentary elections, there is a possibility of stabilization and institutionalization of the parliamentary form of government. In Georgia, the latest constitutional reform was imposed by one political force on everyone else, and after the next electoral cycle of 2018-2024, everything will depend on the extent to which the Georgian Dream will seek to monopolize power, on the one hand, and to what extent the opposition is able to mobilize its supporters to protest, on the other. The next two or three electoral cycles will demonstrate the degree of stability of the parliamentary form of government with its potential and threats, as well as a set of models of behavior of the ruling elites in the new environment.